

Entered - 01/19/01 - sb
CL 01L0049 - GWENDOLYN BURNS

CLAIM OF: CHARLES B. SMALLWOOD
through his attorney
SOBELL & FOY, P.C.
1750 Peachtree St., NW, Suite 201
Atlanta, Georgia 30309

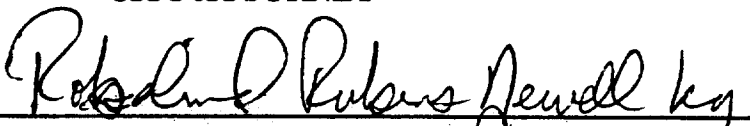

01- R -0684

For vehicular damages alleged to have been sustained as a result of a vehicular accident on November 3, 2000 at 1079 North Avenue, NE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **CHARLES B. SMALLWOOD** through his attorney **SOBELL & FOY, P.C.**, the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a vehicular accident on November 3, 2000 at 1079 North Avenue, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY 

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0049

Date: May 4, 2001

Claimant / Victim CHARLES SMALLWOOD
BY: (Atty) (Ins. Co.) John M Foy, SOBELL & FOY, P.C.
Address: 1750 Peachtree Street, NW, Suite 201, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ 1,768.03 Bodily Injury \$ 3,430.00
Date of Notice: 12/22/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/3/00 Place: 1079 North Avenue
Department PARK, RECREATION & CULTURAL AFFAIRS Division Parks
Employee involved Cecelia B. Scott Disciplinary Action: 3-month driving suspension

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was rear ended by a city vehicle that was "following too closely". The employee was cited for same.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver X Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,000.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date
Committee Action: Council Action

BURNS
01/18/01COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 12-14-2000

DEC 22

Dear Municipal Clerk:

MUNICIPAL CLERK

ENTERED - 1-19-01-SB

0110049 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1768.03 property and/or \$ 5000.00 bodily injury for which I contend the City is liable. over \$6000.001. Date of incident: NOV. 3 2000 2. Time of Incident: 2:50 PM 3. Police called: Yes No
(month/day/year)4. Location of incident (including street address): 1079 North Ave at North Highland ATL5. Name of your insurance company: THE HART FORD Policy No. 17 PH 224 7746. State what and how incident occurred: I was Stopped in Traffic And
WAS Hit From Behind - I don't Agree with
Police Report - If you look at Body damages
to all 2 vehicles - City vehicle hit a Bronco that
hit me

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Ford F150 XR 2000 296 XEP CHARLES SMALLWOOD
(Make) (Year) (Tag Number) (Driver's Name)City vehicle: Ford Cecelia B. Scott Tag 149095 Parks Recreational
(Make) (City Driver's Name) (Department/Bureau)9. Witness: STANLEY EVANS 4107 Stacy Ln 678-344 6159
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Charles B. Smallwood
Signature of ClaimantCharles B. Smallwood
(Print Claimant's Name)6584 Bent Creek DR.
(Address)REX, GA 30273
(City, State and Zip Code)678-516-0019 678-289-8911
(Work Number) (Home Number)missed Lose wages
Over 2 weeks work

Accident # 00308450

Pres EAST HALL
A P 500000

Still going to Doctors

04/11/2001 14:58 4046587082

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GENERAL RELEASE AND INDEMNIFICATIONCLAIM NUMBER 01L0049\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND DOLLARS AND NO/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Cecelia B. Scott from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about the 3rd day of November, 2000, at or near 1079 North Avenue, NE.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 12th day of April, 20 01.

Charles B. Smallwood (LS)

Charles B. Smallwood

John M. Foy (LS)

John M. Foy, Attorney for the claimant

The above release was read and explained to, and signed by the said _____
_____ in our presence on the date above written.

Brandie L. Mair

WITNESSES